

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7180**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT PAUL TWEED,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (CR-94-11-V, CA-02-86-5-1-V)

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Submitted: November 7, 2002

Decided: November 14, 2002

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Before WILKINS and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Robert Paul Tweed, Appellant Pro Se. Kenneth Davis Bell, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Robert Paul Tweed seeks to appeal the district court's order denying relief on his motion filed under Fed. R. Civ. P. 60(b) and construed by the district court as a successive 28 U.S.C. § 2255 (2000). We have reviewed the record and conclude the district court properly construed Tweed's action, styled as an "Independent Action," as a successive § 2255 motion. For the reasons stated by the district court, we conclude that Tweed has not made a substantial showing of the denial of a constitutional right. See United States v. Tweed, Nos. CR-94-11-V; CA-02-86-5-1-V (W.D.N.C. July 31, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED